

ARTICLE XIV AMENDMENTS

14.1 - PROCEDURE

Such regulations, restrictions, and boundaries as provided for in this Code may be amended, supplemented, changed, modified, or repealed. All changes and amendments shall be effective only after approval by the Board of Commissioners.

14.2 - INITIATION OF AMENDMENTS

- 14.2.1 An amendment to the Zoning Map may be initiated by one of the following three methods: (1) a petition by a property owner or anyone having a contractual interest in the property; (2) a resolution of the Planning Commission; (3) a resolution of the Board of Commissioners; or (4) a proposal from the Planning Department. If a Concept Plan is required with the rezoning request, the application is not considered complete until the required Concept Plan is submitted.

An amendment to the text of the Zoning Code may be initiated by one of the following four methods: (1) a petition by a property owner of the city; (2) a resolution of the Planning Commission; (3) a resolution of the Board of Commissioners; or (4) a proposal from the Planning Department.

A petitioner is encouraged to meet with planning staff prior to the initiation of an amendment. In the submission of a text amendment, the petitioner shall provide the staff with proposed language desired to be added or deleted from the Code.

No Zoning Code, zoning classification, or approval process or plan related to the Zoning Code creates a property right in the owner of the property or any other person. The City of Johnson City has the sole and exclusive authority to establish and modify all land use classifications within its jurisdiction.

14.2.2 **APPLICATION, FEE, AND CONCEPT PLAN:**

Citizens wishing to have the Code amended shall complete the application process according to the regulations of the Planning Commission. To partially defray the administrative cost and cost of giving public notice, the applicant shall pay the appropriate filing fee to the City of Johnson City when requesting an amendment to the Zoning Map or an amendment to the text of this Code. When required, the applicant shall prepare a Concept Plan demonstrating compliance with the applicable zoning district as well as the following:

- A. use(s), or the number of dwelling units in each building;
- B. buffers and/or screening;
- C. building location, size and height, with setbacks;

- D. parking, vehicular and pedestrian circulation patterns;
- E. location of swimming pools, tennis courts and clubhouses, when it applies; and
- F. any additional information requested by the Planning Commission or the Board of Commissioners.

14.3 - CONCEPT PLAN:

14.3.1 Concept Plan Required: A Concept Plan shall be required for the rezoning requests specified below:

- A. For all rezoning requests that abut a single-family neighborhood or single-family district;
- B. For all other rezoning requests where a Concept Plan is required as part of the district regulations.

14.3.2 REVIEW AND APPROVAL FOR CONCEPT PLAN:

- A. The Concept Plan shall be reviewed by city staff in conjunction with the rezoning request.
- B. The Concept Plan shall be submitted to the Planning Commission in conjunction with the rezoning request (with staff comments) for consideration.
- C. Following approval by the Planning Commission, the rezoning request and Concept Plan shall be submitted to the Board of Commissioners for consideration. Should the Planning Commission recommend denial of the rezoning request and Concept Plan, the request does not move forward to the Board of Commissioners. The petitioner may appeal the recommendation for denial in writing to the City Manager within sixty (60) days of the Planning Commission meeting on which denial occurred.
- D. Upon approval of the Concept Plan by the Board of Commissioners, all development of the subject property shall be in conformance with the approved Concept Plan. No site plan shall be approved except in conformance with the approved Concept Plan. Any significant amendment to an approved Concept Plan as determined by staff, i.e., change in use, increase in intensity or density, substantial change in building location, ingress and egress, or other changes that would negatively impact the surrounding properties shall be resubmitted to the Planning Commission and the Board of Commissioners for reconsideration and approval.

14.4 – NEIGHBORHOOD MEETING AND NOTIFICATION:

The developer/petitioner shall hold a neighborhood meeting to inform property owners within two-hundred (200) feet of the proposed development/rezoning prior to the Planning Commission meeting. Property owners within two-hundred (200) feet of the proposed development/rezoning shall be notified in writing by the petitioner at least ten (10) days prior to the neighborhood meeting. The neighborhood meeting shall be held prior to Planning Commission consideration of the rezoning request and Concept Plan. In addition, if the property abuts a neighborhood association recognized by the Johnson City Police Department then the president of that neighborhood association shall also be notified in writing at least ten (10) days prior to the neighborhood meeting.

The purpose of this meeting is for the developer/petitioner to inform property owners of the proposed plan and to provide an opportunity for the neighborhood to express its issues and concerns. The developer/petitioner may take these concerns into consideration; however, if the developer/petitioner modifies the Concept Plan or other plan in response to neighborhood concerns or suggestions, those changes are not to be construed by those participating in a neighborhood meeting or any other person as creating an entitlement from either the developer/petitioner or the city in any way whatsoever. Although neighborhood consensus is desirable, it is not necessary for Planning Commission/Board of Commissioners consideration and approval or rejection of the request. When a Concept Plan is approved by the City Commission, the developer/petitioner is obligated only to the city (not the neighborhood) to construct the project in accord with the Concept Plan, if the project is developed. However, there is no obligation for the petitioner/developer to construct the approved Concept Plan without reconsideration and approval by the Planning Commission and City Commission.

If the developer/petitioner finds for any reason that the approved project becomes unfeasible, not viable, or undesirable to construct, the developer/petitioner may request to amend a previously approved Concept Plan or may request to amend the current zoning of the property. A request to amend the current zoning of the property shall require the submission of the appropriate rezoning fee. A neighborhood meeting shall be required for either amendment.

14.5 - APPROVAL PROCESS

- 14.5.1 Per T.C.A. 13-7-204, no amendment to the text of the Zoning Ordinance, zoning map, or approval of a Concept Plan shall become effective until it is first submitted to the Planning Commission for consideration. If approved, the request shall be forwarded to the Board of Commissioners for consideration. If the Planning Commission recommends denial, the petitioner may appeal the recommendation in writing to the City Manager within sixty (60) days of the Planning Commission

meeting on which the denial occurred. An approval of an appeal must receive the favorable vote of at least three members of the Board of Commissioners.

- 14.5.2 Per T.C.A. 13-7-203, the Board of Commissioners shall hold a public hearing on all rezonings and text amendments. At least fifteen (15) days prior to the public hearing by the Board of Commissioners, notice of the time and place thereof shall be published in a newspaper of general circulation in the City of Johnson City.

14.6 - REAPPLICATION

No reapplication shall be accepted within six (6) months of final action by the Board of Commissioners, but this in no way shall restrict the initiation of applications by the Planning Commission or Board of Commissioners. A re-application is an application with the same rezoning request relating to all or a part of the same property involved in the previous application. A request involving a change to a different zoning classification, a portion of the property different than the previous request, or a significant change to the Concept Plan, as determined by the staff, shall not be considered a reapplication; however, Planning Commission consideration is required prior to consideration by the Board of Commissioners.